

REMARKS/ARGUMENTS

STATUS OF CLAIMS

In response to the Office Action dated August 20, 2008, claim 1 has been amended. Claims 1, 3, 4, 13 and 15 are now pending in this application. No new matter has been added. Claims 5, 7-9, 11, 12, 14 and 16 have been withdrawn from consideration as being directed to a non-elected invention.

The amendments to claim 1 are non-narrowing claim amendments, as they correct minor informalities.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

I. Claims 1, 3 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida et al. (USPN 6,930,661) in view of Hakamada et al. (USPN 4,870,492). It is noted that the Examiner has incorrectly referred to Uchida et al. as being US Pat. No. 6,960,661 on page 2 of the Office Action.

Claims 13 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida et al. (USPN 6,930,661) in view of Hakamada et al. (USPN 4,870,492), as applied to claim 1, and further in view of Piotrowski (US 2003/0237100).

The rejections are respectfully traversed.

Both independent claims 1 and 13 include the feature of an AV output device capable of converting an up-and-down input operation into a direct command for causing

the tuner section to directly perform channel selection with reference to channel identification information. This allows the description:

Therefore, at the wireless center unit 3, there is no need of decoding and converting the up-down channel selection command to a direct channel selection command. This shortens a delay time involved in the interval time for exchanging commands, thereby improving a response to the user's input for up-down channel selection (see page 30, lines 10-19 of the present application).

Uchida, Hakamada and Piotrowski do not disclose this feature.

In Uchida, when a user touches the touch panel 121 of a display 100, the position of the contact on the touch panel 121 is detected. The operation key of the control panel currently being displayed, which is associated with the detected position, is distinguished. A command signal corresponding to the operation key is formed and transmitted to the base equipment 200 by radio transmission (see col. 6, lines 16-23 of Uchida). Accordingly, the up/down key is included as an operation key.

Therefore, Uchida only discloses forming a command signal in accordance to an up/down key and radio transmitting the signal to the base equipment 300. This is similar to the conventional art outlined on page 3, lines 4-12 of the present application. This portion describes:

As the up-down channel selection key is manipulated at the monitor side, the input is converted to a command applicable in a wireless AV transmission system which relays information between the monitor side and the tuner side wirelessly. Thus, the command can be sent to the tuner side after a predetermined time interval. Then, at the tuner side, the command is decoded, so that the up-down channel selection is actually effected.

Furthermore, as described at page 3, lines 12-16 of the present application, the following problem arises:

Due to a delay time involved in the interval time for exchanging commands, in the wireless AV transmission system, a user's input may not be responded to quickly (the up-down selection is not smoothly performed).

Unlike independent claims 1 and 13 of the present application, Hakamada and Piotrowski do not consider that data is wirelessly exchanged between a wireless center having the tuner section and an AV output device having the channel selection input section. Therefore, Hakamada and Piotrowski do not disclose or suggest the above feature of independent claims 1 and 13. Consequently, Hakamada and Piotrowski do not remedy the above noted deficiencies of Uchida with respect to independent claims 1 and 13.

The Examiner also asserts that the functionality of "generating a direct channel selection command for selecting the identified channel, and transmitting the direct channel selection command to the wireless center side wirelessly" is inherent in the system of Hakamada et al., referring to column 1, lines 12-15. However, Applicants cannot agree with this assertion.

It is well settled that that inherency requires certainty, not speculation. *In re Rijckaert*, 9 F.3rd 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *In re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986); *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983); *In re Oelrich*, 666 F.2d 578, 212 USPQ 323 (CCPA 1981); *In re Wilding*, 535 F.2d 631, 190 USPQ 59 (CCPA 1976).

The above-referenced "functionality" is not inherent in Hakamada et al. since there are other ways of selecting a channel that do not require generating a direct channel selection command selecting the identified channel, as disclosed in the present

application. For example, an up-down channel selection command to up-down change the channel can be input to the AV output device and wirelessly transferred to the wireless center in the manner described on pages 3-4 of the present application, without creating a direct command. Of course, this will give rise to the delay problem that the present invention addresses. Without recognition of the delay problem that the present invention addresses, a person of ordinary skill in the art would have no reason to correct such delay via the method recited in claim 13.

In view of the above, claims 1, 3, 4 and 13 are patentable over Uchida et al., Hakamada et al. and Piotrowski, considered alone or in combination.

Independent claim 15 is directed to the feature of a wireless center collecting channel identification information including skip information and transmitting the channel identification information wirelessly to an AV output device side in one transmission. This makes it possible to refer to the channel identification information at the AV output device, which produces the effect that the AV output device can convert the channel identified by the up-down input operation to a direct command for causing the tuner section to directly perform channel selection.

On the other hand, as described above, Uchida, Hakamada and Piotrowski do not consider "the AV output device refers to the channel identification information and converts the up-clown input operation to a direct command for causing the tuner section to directly perform channel selection". Therefore, Uchida, Hakamada and Piotrowski do not disclose the above-noted feature of independent claim 15. Consequently, independent claim 15 is patentable over Uchida et al., Hakamada et al. and Piotrowski.

II. In view of the above, the allowance of claims 1, 3, 4, 13 and 15 is respectfully solicited.

CONCLUSION

In view of the above, Applicant(s) believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise, (Reg. No. 34,523), at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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By

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